

ARGUMENTS/REMARKS

Claims 1 through 6, 8 through 15 and 17 through 20 remain pending in the present application. Claims 1, 10 and 19 have been amended. Claims 7 and 16 were previously canceled. Claims 21 through 25 have been newly added.

In an Advisory Action mailed on October 14, 2005, the arguments were deemed to not place the application in condition for allowance. Accordingly, the Advisory Action stated that the Rejections of the Final Office Action of 6-30-05 stands. Applicants respectfully clarify that the mailing date of the Final Office Action was July 27, 2005.

In the Final Office Action mailed on July 27, 2005, claims 1 through 20 were rejected under 35 U.S.C. 102(b) being anticipated by U.S. Patent No. 3,934,593 to Mellinger (hereinafter "the Mellinger patent"). Applicants respectfully disagree.

The Office Action states that "Mellinger includes a line of demarcation (at 24; see Col. 2, line 11 and figure 3) that separates the reduced loft area from the rest of the breast pad. (Page 3)

Independent claim 1 provides a molded breast pad having a demarcation line between the first portion and the second portion that is formed on the body-contacting surface and that is not visible on a wearer's breast during wear. Also, the demarcation line running through a center portion of the pad.

The Mellinger patent is directed to breast supports that are each separately applied to the breasts of the wearer. The breast supports are each flat elements, as shown in Fig. 2, that are placed on the underside of each breast of the wearer, as shown in Fig. 3. Each breast support is formed such that a narrow visible border 14 is formed between cushion 16 and wide border 10.

Border 14 is visible on the outer surface of the of the breast support during wear (Fig.3). Further, as shown in Fig. 3, a line of demarcation 24 is visible when the supports are viewed during wear. Line of demarcation 24, as shown in Fig. 1 and 3, has an arcuate configuration at the lower edge of the breast pads.

Thus, as shown in Figs. 1 and 3 of the Mellinger patent, line of demarcation 24 is visible on the pad and during wear. Additionally, the line of demarcation 24 does not run through a center portion of the pad, as provided in claim 1. In contrast, line of demarcation runs along the edge of the pad. Reconsideration and withdrawal of the 35 U.S.C. 102(b) rejection are respectfully requested.

Independent claim 10 provides a breast pad having a demarcation line separating the first part from the second part that is formed on the body-contacting surface and is not visible on a wearer's breast during wear. Also, the demarcation line runs along a center portion of the pad.

Again, as shown in Figs. 1 and 3 of the Mellinger patent, the line of demarcation 24 is visible on the support during wear. Further, the line of demarcation 24, does not run along a center portion of the pad, as claimed. In contrast, line of demarcation runs along the edge of the pad. Reconsideration and withdrawal of the 35 U.S.C. 102(b) rejection are respectfully requested.

Independent method claim 19 provides a method of forming a molded breast pad having a first material and a second material of different lofts that are placed in a molding apparatus to form one or more three-dimensional breast pads having three-dimensional cup shapes, with a portion thereof being effected such that it has a relatively reduced loft. The reduced loft portion forms a demarcation line with the rest of said three dimensional breast pad that is not visible on a wearer's breast during wear. The demarcation line runs along a center portion of the pad.

As shown in Figs. 1 and 2 of the Mellinger patent the breast supports are flat elements that lie in a plane until they are placed in the underside of the breast of the wearer. The supports do not form three-dimensional breast pads that have three-dimensional cup shapes, as in claim 10. Further, the line of demarcation 24, does not run along a center portion of the pad, as in claim 10. In contrast, line of demarcation runs along the edge of the pad. Reconsideration and withdrawal of the 35 U.S.C. 102(b) rejection are respectfully requested.

New independent claim 21 is directed to a molded breast pad for a brassiere having a body-contacting surface. Claim 21 provides that one or more first layers be formed from a first material having a first loft associated therewith; and one or more second layers being formed from a second material having a second loft associated therewith different from that of said first material. The molded breast pad is molded such that a first portion thereof is compressed relative to a second portion thereby forming a demarcation line between the first portion and the second portion. The demarcation line runs along a center portion of the pad.

The Mellinger patent, as discussed previously, does not disclose or suggest a molded breast pad that is molded such that a first portion thereof is compressed relative to a second portion thereby forming a demarcation line between the first portion and the second portion. The demarcation line running along a center portion of the pad. The Mellinger patent only discloses a pad having a line of demarcation that runs along the arcuate edge of the pad. The Mellinger patent does not disclose or suggest the newly claimed subject matter.

New independent claim 22 is directed to a molded breast pad for a brassiere having a body-contacting surface. Independent claim 22 provides that one or more first layers be formed from a first material having a first loft associated therewith; and one or more second layers be formed from a second material having a second loft associated therewith different from that of said first

material. The molded breast pad is molded such that a first portion thereof is compressed relative to a second portion thereby forming a demarcation line between the first portion and the second portion that is formed on the body-contacting surface and that is not visible on a wearer's breast during wear. The demarcation line runs along a center portion of the pad.

The Mellinger patent, as discussed previously, does not disclose or suggest a molded breast pad that is molded such that a first portion thereof is compressed relative to a second portion thereby forming a demarcation line between the first portion and the second portion that is not visible on a wearer's breast during wear. In contrast as shown in Fig. 3, the line of demarcation 24 of the Mellinger patent is visible during wear. Further, the Mellinger patent does not disclose or suggest a demarcation line running along a center portion of the pad. In contrast, the Mellinger patent only discloses a pad having a line of demarcation that runs along the arcuate edge of the pad. The Mellinger patent does not disclose or suggest the newly claimed subject matter.

New independent claim 23 is directed to a molded breast pad for a brassiere having a body-contacting surface. Claim 23 provides that one or more first layers be formed from a first material having a first loft associated therewith; and one or more second layers be formed from a second material having a second loft associated therewith different from that of the first material. The molded breast pad is molded such that a first portion thereof is compressed relative to a second portion thereby forming a three-dimensional cup shape.

The Mellinger patent has breast supports that are each flat elements, as shown in Fig. 2, that are placed on the underside of each breast of the wearer, as shown in Fig. 3. The breast supports are not formed such that they form a three-dimensional cup shape, as provided in claim 23. The Mellinger patent does not disclose or suggest the newly claimed subject matter.

New independent claim 24 is directed to a molded breast pad for a brassiere having a body-contacting surface. Claim 24 provides that one or more first layers be formed from a first material having a first loft associated therewith; and one or more second layers be formed from a second material having a second loft associated therewith different from that of the first material. The molded breast pad is molded such that a first portion thereof is compressed relative to a second portion thereby forming a three-dimensional cup shape. One of the first portion or the second portion is a first upper portion and the other of the first portion or second portion is a lower portion of the pad.

The Mellinger patent has breast supports are each flat elements, as shown in Fig. 2, that are placed on the underside of each breast of the wearer, as shown in Fig. 3. The breast supports are not formed such that they form a three-dimensional cup shape, as claimed. Further, the Mellinger patent does not disclose or suggest one of a first portion or a second portion being a first upper portion and the other of the first portion or the second portion being a lower portion of the pad. In contrast, the Mellinger patent only has two flat portions at 10 and near 12 that surround middle portion 16. The newly claimed subject matter is not disclosed or suggested in the Mellinger patent.

New independent claim 25 is directed to a molded breast pad for a brassiere having a body-contacting surface. Independent claim 25 provides that one or more first layers be formed from a first material having a first loft associated therewith; and one or more second layers be formed from a second material having a second loft associated therewith different from that of the first material. The molded breast pad is molded such that a first part thereof is compressed relative to a second part thereby forming a demarcation line between the first part and the second part. Also, the demarcation line runs along a center portion of the pad, the first part being an first upper part and the second part being a second lower part.

The Mellinger patent has breast supports that each has a demarcation line 24 running along a lower arcuate edge thereof. Further, the demarcation line 24 does not run along a center portion of the pad where a first part is a first upper part and a second part is a second lower part. In contrast, the Mellinger patent only has two flat portions at 10 and near 12 that surround middle portion 16. The newly claimed subject matter is not disclosed or suggested in the Mellinger patent.

The amended independent claims are allowable and clearly define over the Mellinger patent and the cited prior art of record. Dependent claims 2 through 6, 8 through 9, 11 through 15 and 17 through 18 and 20, which depend from independent claims 1, 10 and 19 respectively, are also allowable.


Further the new independent claims 21 through 25 are also allowable and clearly define over the Mellinger patent and the cited prior art of record.

In view of the foregoing, Applicant respectfully submits that all claims presented in the application patently distinguish over the cited prior art. Accordingly, Applicant respectfully requests favorable consideration and that this application be passed on to allowance.

Respectfully submitted,

January 27, 2006

Date



Charles N.J. Ruggiero  
Reg. No. 28,468  
Attorney for the Applicant  
Ohlandt, Greeley, Ruggiero & Perle,  
L.L.P.  
One Landmark Square, 10<sup>th</sup> Floor  
Stamford, CT 06901-2682  
Tel: 203-327-4500  
Fax: 203-327-6401